IN THE HIGH COURT OF JUDICATURE AT PATNA
CR.MISC. NO.32957 OF 2008

SHAKIL KHAN
S/O – LATE NEZAMUDDIN KHAN
RESIDENT OF VILLAGE AGNI
P.S.- CHERKI (BODH GAYA)
DISTRICT GAYA

VERSUS

STATE OF BIHAR

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2. 16.10.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under Sections 406 and 420 of the Indian Penal Code.

The allegation is that this petitioner has deceitfully and fraudulently taken away the money of the Indira Awas Yojna of the beneficiaries who have made such complaint that on the garb of constructing their houses, petitioner no. 1 had taken the money but did not construct with respect to the money received by them in the year, 2002-03 and 2004-05.

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Learned counsel for the petitioner submits that the FIR has been lodged on the complaint of the beneficiaries mentioned in the written report of the B.D.O. at the instance of the present Mukhia against whom the wife of the petitioner no. 1 had contested the election which would be appearing on perusal of

Annexure-2. He further submits that the allegations are absurd since there was no cause for handing over the money to this petitioner for construction of the houses as because he was not authorized person for doing so. The beneficiaries who had parted with the money, did not lodge any case at the material time and the present FIR has been lodged in the year 2008.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioner named above be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Cherki (Bodh Gaya) P.S. Case No. 46 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Jagdish/- **(Shailesh Kumar Sinha,J)**